

REMARKS

Claims 1-20 remain in the application.

A Petition for Extension of Time to extend the period for response one month, including the appropriate fee, is filed herewith.

A. 35 U.S.C. § 102(b)

McIntyre - Claims 1, 5, 6, 10, 11, 14-16, 19, and 20

Claims 1, 5, 6, 10, 11, 14-16, 19, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,932,925 issued August 3, 1999 to Gerald McIntyre (hereinafter "the McIntyre patent") (Office Action, page 2).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 (from which claim 5 depends), independent claim 6 (from which claim 10 depends), independent claim 11 (from which claims 14-16 depend), and independent claim 19 (from which claim 20 depends) each contain a limitation to the effect that the load centering mechanism has to be integrally associated with the first base surface.

The Merriam-Webster Online Dictionary (<http://www.m-w.com/cgi-bin/dictionary>) defines "integral" as "formed as a unit with another part". This is precisely how the load

centering mechanism is described/defined in the present application. For example, at page 6, lines 8-14:

The load centering mechanism 116 may be formed by any technique known in the art. For example, if the heat dissipation device 102 is formed by molding, the load centering mechanism 116 may be directly molded with the heat dissipation device 102. If the heat dissipation device 102 is formed by extrusion, the load centering mechanism 116 may be milled from a portion of the extruded heat dissipation device 102 within the spring clip channel 110 (preferred). Additionally, the load centering mechanism 116 may be attached to the heat dissipation device 102 after the fabrication thereof.

Thus, it is clear that the load centering mechanism is "integral" or "formed as a unit" with the heat dissipation device. Oddly, the Office Action at page 2 states that the McIntyre patent shows "a load centering mechanism (screw 42 and indent 38) . . . integrally associated with the first base surface". However, by its nature, this assertion is incorrect. The screw is removable (see Figure 3 of the McIntyre patent). Thus, it is not "integral" or "formed as a unit" with the first base surface of the heat dissipation device. In fact, if the screw of the McIntyre patent were integrally associated with the first base surface, you would not be able to turn the screw. This, of course, would defeat the entire purpose of the McIntyre patent, as the screw is turned to bring a load to bear against the heat sink.

Therefore, as the McIntyre patent neither teaches nor suggests the limitations of independent claims 1, 6, 11, and 19, reconsideration and withdrawal of the Section 102(b) rejection of claims 1, 5, 6, 10, 11, 14-16, 19, and 20 are respectfully requested.

C. 35 U.S.C. § 103(a)

McIntyre - Claim 1-20

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over the McIntyre patent in view of U.S. Patent and applicants' admitted prior art (i.e., U.S. Patent 5,428,897 ("the Jordan patent") and Figs. 4a and 4b (Office Actions, page 2-4).

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The response with regard to the Section 102(b) rejection of claims 1, 5, 6, 10, 11, 14-16, 19, and 20 are equally applicable to the present rejection of claims 1-20 and are hereby incorporated herein by reference as though repeated in total. Again, as stated above, the McIntyre patent does not "teach or suggest all the claim limitations" (i.e., the load centering mechanism having to be integrally associated with the first base surface), as required to establish a *prima facie* case of anticipation.

Further, with regard to the Jones patent, it merely shows a spring clip and a heat sink without a load centering mechanism. With regard to the admitted prior art (i.e., the Jordan patent and FIGs. 4a and 4b), it merely teaches a clip that is snapped onto the spring clamp to act as a load centering mechanism. However, since it is removable and clipped to the spring clamp, it is

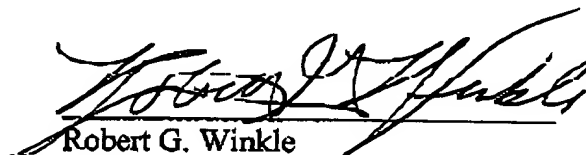
not integrally associated with the first base surface, as required by all of the independent claims of the present application (see the Section 102(b) discussion).

As the McIntyre patent, the Jones patent, and the admitted prior, either alone or in combination, neither teach nor suggest all of the claim limitations, a prima facie case of obviousness has not been established. Therefore, reconsideration and withdrawal of the Section 103(a) rejection of claims 1-20 are respectfully requested.

In view of the foregoing remarks, the Applicants request allowance of the application. Please forward further communications to the address of record. If the Examiner needs to contact the below-signed attorney to further the prosecution of the application, the contact number is (208) 433-9217.

Respectfully submitted,

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Robert G. Winkle
Attorney for Applicants
Reg. No. 37,474